

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Plaintiff / Petitioner:

Aaron Rubenstein

Defendant / Respondent:

Carlos Rodriguez, John R. Burch, Charles Keates, et al

AFFIDAVIT OF SERVICE

Civil Action No:

1:17-cv-00821-JPO

The undersigned being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at the state of North Carolina. That on Tue, May 08 2018 AT 07:35 PM AT 1622 Verrazzano Drive, Wilmington, NC 28405 deponent served the within Summons in a Civil Action and Second Amended Complaint for recovery of short swing profits under 15 U.S.C. 78p(b) on Gary Atwell

- ☒ **Individual:** by delivering a true copy of each to said defendant, personally; deponent knew the person so served to be the person described as said defendant therein.
- ☐ **Corporation:** _____ a defendant, therein named, by delivering a true copy of each to _____ personally, deponent knew said corporation so served to be the corporation described, and knew said individual to be _____ thereof.
- ☐ **Suitable Person:** by delivering thereat, a true copy of each to _____ a person of suitable age and discretion at the defendant's actual place of business or last known address.
- ☐ **Affixing to Door:** by affixing a true copy of each to the door thereof, deponent was unable with due diligence to find defendant, or a person of suitable age or discretion thereat, having called thereon; at _____
- ☐ **Mailing:** Deponent also enclosed a copy of same, in a postpaid sealed wrapper properly addressed to said defendant at defendant's last known residence/actual place of business, _____, and depositing said wrapper in a post office, official depository under the exclusive care and custody of the United States Postal Service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant. Mailed on _____.
- ☒ **Military Service:** *Defendant wore ordinary civilian clothes and no military uniform.* The source of my information and the ground of my belief are the conversations and observations above narrated. Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Description:

Age: 55 Ethnicity: Caucasian Gender: Male Weight: 165
Height: 5'8" Hair: Gray Eyes: _____ Relationship: _____
Other _____

Sworn to before me on May 9, 2018

Kenneth Merritt
Kenneth Merritt

Notary Public

ABIGAIL E. FOY
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 2-23-2021.

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- ☐ **Corporation:** _____ a defendant, therein named, by delivering a true copy of each to _____ personally, deponent knew said corporation so served to be the corporation described, and knew said individual to be _____ thereof.
- ☒ **Suitable Person:** by delivering thereat, a true copy of each to Gary Atwell a person of suitable age and discretion at the defendant's actual place of residence.
- ☐ **Affixing to Door:** by affixing a true copy of each to the door thereof, deponent was unable with due diligence to find defendant, or a person of suitable age or discretion thereat, having called thereon; at _____
- ☐ **Mailing:** Deponent also enclosed a copy of same, in a postpaid sealed wrapper properly addressed to said defendant at defendant's last known residence/actual place of business, _____, and depositing said wrapper in a post office, official depository under the exclusive care and custody of the United States Postal Service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant. Mailed on _____.
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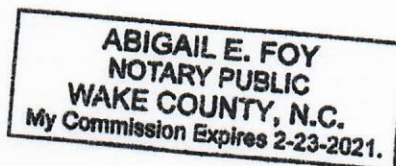
Sworn to before me on May 9, 2018

Kenneth Merritt

Kenneth Merritt

Abigail E. Foy

Notary Public



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AARON RUBENSTEIN,

Plaintiff,

-v-

CARLOS RODRIGUEZ, JOHN R. BURCH,
CHARLES KEATES, et al.

Defendants.

Civil Action No.
1:17-cv-00821-JPO

AFFIDAVIT OF
MAILING

STATE OF NEW YORK }
COUNTY OF NEW YORK }ss.:

CAROLINA GARCIA, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at New York, NY;

On May 9th, 2018, I mailed a copy of the within SUMMONS and SECOND AMENDED COMPLAINT with EXHIBITS to SUSAN ATWELL, defendant therein named, at 1622 Verrazzano Drive, Wilmington, NC 28405 her actual known address by enclosing same in an envelope, postage prepaid and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.


CAROLINA GARCIA

Sworn to before me this
9th day of May 2018.


NOTARY PUBLIC

BRUCE LAZARUS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01LA4990593

Qualified in New York County
My Commission Expires 01-13-

2022